IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

WRIT PETITION NO : 30075 of 1995

Between:

Barla Muthyalu Naidu, S/o Simhachalam, R/o Chodavaram, Visakhapatnam District.

..... PETITIONER

AND

1. The Commissioner of Cooperatopm, Government of A.P., Hyderabad.
2. The Collector, Visakhapatnam District, Visakhapatnam.
3. The Election Officer, Chodavaram Gram Panchayat, Visakhapatnam District.
4. Mandal Jagannadham, S/o Appalanaidu, Paid Secretary, The Bangarammapalam Milk Producers Cooperative Society Ltd., No. 1075, Bangasrammapalem, Chodavaram Mandal, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ order or direction particularly one in the nature of QUO WARRANT-O directing the 4th respondent to show his authority to note the post of 16th Ward Member of Chodavarm Gram Panchayat, Visakhapatnam District, and consequently declare the 4th respondent seized in hold the same, while directing the authorities to

enquire into the representation pending before them.

Counsel for the Petitioner: DR.P.B.VIJAY KUMAR

Counsel for the Respondents: G.P. for Cooperation.

The Court made the following:

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

W.P.No.30075 of 1995

ORDER :

The writ petition is filed with the prayer as follows :

> "For the reasons stated in the accompanying affidavit to this main writ petition, it is prayed that this Hon'ble Court may be pleased to issue any writ, order or direction particularly one in the nature of QUO WARRANTO directing the 4th respondent to show his authority to note the post of 16th Ward Member of Chodavaram Gram Panchayat, Visakhapatnam District, and consequently declare the 4th respondent seized in hold the same, while directing the authorities to enquire into the representations pending before them and pass such other relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case."

The substance of the writ petition is that the election of the 4th respondent herein as

a Ward Member of 16th Ward of Chodavaram Gram Panchayat, Visakhapatnam District is invalid on the ground that the 4th respondent suffers from some disqualification to contest the election. The writ petition, in my view, be dismissed on more than one ground. (1) that the election in question is obviously held under the provisions of the Andhra Pradesh Panchayat Raj Act, 1994, which provides for a mechanism for the resolution of the election dispute by way of Election Petition under Section 22 of the Act. Apart from that, it was an election held in the year 1995. The tenure of the office to which the 4th respondent was elected expired long back as the tenure is only five years. Either way, I do not see any reason to examine the writ petition further. The writ petition is therefore dismissed as infructuous.

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knk 9.12.2004

To

1. The Commissioner of Cooperation, Government of A.P., Hyderabad.
2. The Collector, Visakhapatnam District, Visakhapatnam.
3. The Election Officer, Chodavaram Gram Panchayat, Visakhapatnam District.
4. Mandala Jagannadham, S/o Appalanaidu, Paid Secretary, The Bangalamapallem Milk Producers Co-opertive Society Ltd., No.1075 Bangalammapalem, Chodavaram Mandal, Visakhapatnam District.
5. Two CCs to the G.P. for Cooperation, High Court of A.P., Hyderabad.
6. Two CD copies.